

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
)
Amendment of Section 73.622(i),) MB Docket No. 08-147
Final DTV Table of Allotments,) RM-11473
Television Broadcast Stations.)
(Stuart, Florida))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 6, 2008

Released: October 7, 2008

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking¹ issued in response to a petition for rulemaking filed by Gunter Marksteiner, the permittee of station WHDT-DT, pre-transition DTV channel 59 and post-transition DTV channel 44, Stuart, Florida. Mr. Marksteiner requests the substitution of DTV channel 42 for its assigned DTV channel 44 at Stuart. Mr. Marksteiner filed Comments and Reply Comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 42 for DTV channel 44. The requested substitution would avoid interference from station WTOG-TV's co-channel operation in St. Petersburg, Florida.

3. DTV channel 42 can be substituted for DTV channel 44 at Stuart, Florida as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) of the Commission's rules,² at coordinates 26-43-36.8 N. and 80-4-47.8 W. In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules³ with the following specifications:

State and City	DTV Channel	DTV Power (kW)	Antenna HAAT(meters)	DTV Service Pop. (thous.)
Stuart, Florida	42	1,000	71	2230

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective 30 days after the date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

¹Stuart, Florida, DA 08-1705 (released July 22, 2008).

² 47 C.F.R. § 73.625(a).

³ 47 C.F.R. §§ 73.616, 73.623.

City and State Channel No.

Stuart, Florida 42

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Gunter Marksteiner shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 42 in lieu of DTV channel 44 for post-transition use.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning the proceeding listed above, contact David J. Brown, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau